

12W

PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/521204-Conf. #8663	
	Filing Date	January 12, 2005	
	First Named Inventor	Michael SCHÖNHERR	
	Art Unit	N/A	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission		Attorney Docket Number	BGI-176US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): PTO form SB/08; Copies of Twenty-three (23) References; Certificate of Mailing; Return Receipt Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Maria Laccotripe Zacharakis, Ph.D., J.D.		
Date	December 19, 2005	Reg. No.	56,266

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: December 19, 2005	Signature: (Maria Laccotripe Zacharakis, Ph.D., J.D.)

LAHIVE
&
COCKFIELD
L L P

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400,
FAX (617) 742-4214
www.lahive.com
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)
JAMES E. COCKFIELD (1930-2005)
THOMAS V. SMURZYNSKI
GIULIO A. DeCONTI, JR.
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DEBRA J. MILASINCIC, Ph.D.
MEGAN E. WILLIAMS, Ph.D.
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER
HATHAWAY P. RUSSELL *
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.
DANIELLE L. HERRITT

EUIHOON LEE **
MANEESH GULATI
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
MICHAEL J. BASTIAN, Ph.D.
JAMES M. MCKENZIE
JILL R. GORNY
SAPNA MEHTANI, Ph.D.
CATHERINE M. BISHOP
JACOB G. WEINTRAUB
LAURA C. DILORENZO

OF COUNSEL
JEREMIAH LYNCH
JEANNE M. DIGIORGIO
CYNTHIA L. KANIK, Ph.D.
BENEDICT A. MONACHINO

PATENT AGENTS
CRISTIN HOWLEY COWLES, Ph.D.
JILL ANN MELLO, Ph.D.
CHRISTOPHER E. DRABIK
JAMES H. VELEMA
BRIAN C. TRINQUE, Ph.D.

TECHNICAL SPECIALISTS
DEBORAH L. NAGLE, Ph.D.
ANNE JACQUELINE WIZEMAN, Ph.D.
CHRISTOPHER R. COWLES, Ph.D.
W. ELANA WANG
MEAGHAN L. RICHMOND, Ph.D.
SHARON M. WALKER, Ph.D.
ALISSA H. FARIS
SEAN R. MacDAVITT

* Admitted in TX only
** Admitted in CT only

December 19, 2005

Uwe G. Pressler, Ph.D.
BASF AG
ZDX/G C6
Carl-Bosch-Strasse 38
D-67056 Ludwigshafen
GERMANY

Re: U.S. Patent Application No. 10/521204
Title: *Preparations Containing Diformates And Short-Chain Carboxylic Acids*
Filing Date: January 12, 2005
Inventors: Michael Schönherr *et al.*
Your Reference: 53728
Our Reference: BGI-176US

Dear Dr. Pressler:

Enclosed please find a copy of an Information Disclosure Statement, and related papers, filed with the U.S. Patent and Trademark Office today, December 19, 2005, for the above-identified patent application.

We will keep you apprised of further developments in this case as they arise. In the meantime, if you have any questions or comments, please do not hesitate to contact us.

Best regards,

LAHIVE & COCKFIELD, LLP


Maria Laccotripe Zacharakis, Ph.D., J.D.

MLZ/MG/kab

Enclosure

cc: Elizabeth A. Hanley, Esq. (w/o enclosure)
Maneesh Gulati, Esq. (w/o enclosure)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 19, 2005 Signature: _____

(Maria Laccotripe Zacharakis, Ph.D., J.D.)

Docket No.: BGI-176US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re Patent Application of:
Michael Schönherr *et al.*

Application No.: 10/521204

Confirmation No.: 8663

Filed: January 12, 2005

Art Unit: N/A

For: PREPARATIONS CONTAINING
DIFORMATES AND SHORT-CHAIN
CARBOXYLIC ACIDS

Examiner: Not Yet Assigned

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT (IDS)

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)). Accordingly, Applicants believe that no fees are due with this submission.

Applicants have not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patents and patent applications. Applicants submit herewith copies of foreign patent documents and non-patent references in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been conducted or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

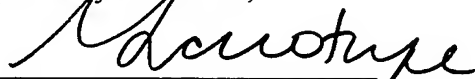
It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. BGI-176US. A duplicate copy of this paper is enclosed.

Dated: December 19, 2005

MLZ/MXG/mch

Respectfully submitted,

By 

Maria Laccotripe Zacharakis, Ph.D., J.D.

Registration No.: 56,266

LAHIVE & COCKFIELD, LLP

28 State Street

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney/Agent For Applicant



PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/521-202-Conf. #8639
				Filing Date	January 12, 2005
				First Named Inventor	Michael SCHÖNHERR
				Art Unit	1755
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	BGI-175US

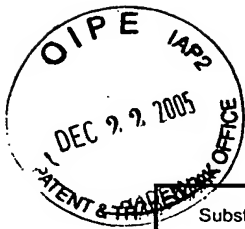
U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1*	US-1,650,984	11-29-1927	Elöd, E.	
	A2*	US-4,261,755	04-14-1981	Berry et al.	
	A3*	US-5,935,625	08-10-1999	Hjørnevik, L., et al.	
	A4*		10-17-2000	Johnsen et al.	
	A5*	US-6,906,222-A1	01-13-2005	Slany et al.	
	A6*	US-20050249784	08-11-2005	Schönherr et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	B1	GB-1505388	03-30-1978	BP Chemicals Limited		
	B2	FR-2726159-A1	05-03-1996	Rhone Poulenc Nutrition Animal		Abstr.
	B3	WO-96/24247-A1	08-15-1996	Kemira Chemicals Oy		
	B4	WO-96/24248-A1	08-15-1996	Kemira Chemicals Oy		
	B5	WO-96/35337-A1	11-14-1996	Norsk Hydro A.S.		
	B6	WO-96/35657-A1	11-14-1996	Norsk Hydro A.S.		
	B7	WO-97/05783-A1	02-20-1997	Norsk Hydro ASA, et al.		
	B8	DE-19531782-A1	03-06-1997	BASF AG		Abstr.
	B9	AU-199669286-B2	03-19-1997	BASF AG		
	B10	WO-98/08499-A1	03-05-1998	DSM N.V.		
	B11	WO-98/19560-A1	05-14-1998	Norsk Hydro ASA		
	B12	WO-98/20911-A1	05-22-1998	Norsk Hydro ASA		
	B13	WO-99/12432-A1	03-18-1999	BASF AG		Abstr.
	B14	WO-01/19207-A1	03-22-2001	Norsk Hydro ASA		
	B15	WO-02/064336-A1	08-22-2002	Norsk Hydro ASA		
	B16	EP-0683958-B1	08-28-2002	DSM N.V.		
	B17	WO-03/40078-A1	05-15-2003	BASF AG		Abstr.

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C1	Gibbs, Bernard F., et al., "Encapsulation in the food industry: a review," <i>International Journal of Food Sciences and Nutrition</i> , Vol. 50:213-224 (1999)	
	C2	Gmelins Handbuch, der Anorganischen Chemie. 8th Edition, No. 22, Verlag Chemie GmbH, Berlin, 1937, pp. 919-21	✓

Examiner Signature	Date Considered
--------------------	-----------------



PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT***(Use as many sheets as necessary)*

Sheet 2 of 2

Complete if Known

Application Number	10/521-202-Conf. #8639
Filing Date	January 12, 2005
First Named Inventor	Michael SCHÖNHERR
Art Unit	1755
Examiner Name	Not Yet Assigned
Attorney Docket Number	BGI-175US

C3	Gmelins Handbuch, der Anorganischen Chemie. 8th Edition, No. 21, Verlag Chemie GmbH, Berlin, 1928, pp. 816-9	✓
C4	Kendall, J., <i>et al.</i> , "Compound formation and solubility in systems of the type, formic acid: Metal formate," <i>Contribution from the Department of Chemistry of Columbia University</i> , No. 363:1470-1481 (1921)	
C5	Yendt, et al., "Vitamin D resistance in hypoparathyroidism," <i>Clinical Aspects</i> , pp. 131-145	
C6	International Search Report Application No. PCT/EP03/07259, dated July 7, 2003	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--



Application No. (if known): 10/521202 Attorney Docket No.: BGI-175US

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on December 19, 2005
Date

Signature

Maria Laccotripe Zacharakis, Ph.D., J.D.

Typed or printed name of person signing Certificate

56,266
Registration Number, if applicable

(617) 227-7400
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

- Transmittal (1 page)
- Information Disclosure Statement (2 pages, in duplicate)
- PTO form SB/08 (29 References) (2 pages)
- Copies of Twenty-three (23) References
- This Certificate of Mailing (1 page)
- Return Receipt Postcard